

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

DEANNA RINDORF, Individually, and as Next Friend of D.R., a Minor,	§	
	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO.
v.	§	
	§	
	§	
CLAYTON HOMES, INC., CMH MANUFACTURING, INC., and KEVCO, INC.,	§	
	§	
	§	
Defendants.	§	

ORDER REGARDING MOTION TO AMEND

The matter before the Court is the status of this case and specifically the parties' joint and agreed motion to amend scheduling order. (Docket entry 66). By their motion the parties ask for an extension of deadlines.

This case was originally filed 2 1/2 years ago on October 9, 2008 in state court, and removed to federal court in December 2008. Deadlines have been extended several times. In August 2010 the Court abated the scheduling order deadlines pending the answer and appearance by a newly identified defendant, and submission of the parties' recommendations for scheduling within 30 days thereafter. The docket sheet shows no activity in the case from August 2010 until March 2011, at which time the Court imposed new deadlines, including the date for completion of ADR (April 22, 2011), completion of discovery (July 29, 2011) and trial (December 12, 2011). Upon reassignment of the case to the undersigned, I formally appointed the mediator who the parties had earlier selected, and extended the date to mediate to July 15, 2011; two weeks before the deadline to complete discovery. The parties now ask for an

additional six months to complete discovery, noting the complexity of the case.

Federal Rule of Civil Procedure 16(b)(4) provides that a scheduling order may be modified only for good cause. The parties request an extension to complete discovery of six additional months, until January 27, 2012; almost three years after the lawsuit was filed. The parties argue that the case is complex, both with respect to liability and damages. However, they fail to explain the lack of activity since July of last year when plaintiff requested leave to amend to add a party which it does appear has yet been served. The parties' joint motion fails to show "good cause" to justify the extension requested.

Accordingly, it is ORDERED that the motion to amend the scheduling order is DENIED.

SIGNED on April 21, 2011.

Nancy Stein Nowak
NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE